

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4474 OF 2005  
IN  
CIVIL APPLICATION NO.1157 OF 2005  
IN  
FIRST APPEAL NO.601 OF 1991

Narayan Gokul Gharat  
through his L.Rs. and ors. ....Applicants.

Vs.

Special Land Acquisition Officer  
and ors. ....Respondents.

Mr. A.V. Anturkar i/by M/s. Vyas and Bhalwal for the  
applicants.

Mr. R.S.Thakur for Respondent Nos. 2 to 6.

**CORAM :Dr.S.RADHAKRISHNAN &  
R.S. MOHITE, JJ.  
DATED :DECEMBER 12, 2005.**

**P.C.**

1. Rule. Rule made returnable forthwith.

2. Heard learned counsel for the applicants, the  
learned counsel for the respondent Nos. 2 to 6 and the  
learned A.G.P. for the respondent No.1.

3. By this civil application, the applicants are  
seeking to recall the order dated 25.7.2005 passed by  
this court in Civil Application No.1157 of 2005 which is  
annexed as Exh.B to the present civil application.

4. The main grievance of the applicants in the present civil application is that the applicants were never even served the copy of the civil application No.1157 of 2005. Hence, Mr. Anturkar submits that the aforesaid order ought not to have been passed without hearing the applicants. The learned counsel for the respondent Nos. 2 to 6 fairly states that the present applicants were not served the civil application No.1157 of 2005 when the aforesaid order was passed. It appears that no opportunity was given to the applicants. Hence, only on this limited ground, the present civil application is allowed in terms of prayer clause (a).

5. Civil Application No.1157 of 2005 be placed on board for final hearing after affidavit in reply is filed by the present applicants in C.A. No..4474/2005. to the said application. S.O. to 30.1.2006.

**(Dr. S. RADHAKRISHNAN, J.)**

**(R. S. MOHITE, J.)**